

From: Kelly Wright [kwright@sbtribes.com]
Sent: Wednesday, October 30, 2013 3:26 PM
To: Jennings, Jannine; Rochlin, Kevin
Cc: Virginia Monsisco; Dawn Williams; Krista Sievers
Subject: 4th Quarter EMF Cooperative Agreement
Attachments: 5700-52a 4th Qtr 2013 EMF.doc; Final EMF QTR 4th 2013.doc

Categories: 11-19 to 1-10 2014

Jannine and Kevin, please find attached a copy of the 4th Quarter Report for the EMF Cooperative Agreement. In addition, I have also attached the MBE/WBE Report with this as well. Since this grant was extended by one month, I am assuming that I will need to do an Annual Report covering the additional month where it should be completed by December 2013.

If this assumption is incorrect, please let me know so I can make the necessary arrangements.

Thanks

Kelly

QUARTERLY PERFORMANCE REPORT 4th QUARTER

Tribe's Name	Shoshone-Bannock Tribes
Tribal Environmental Contact Name	Kelly Wright, Environmental Waste Management Program Manager
Tribe's Phone Number	(208) 236-1049
Grant Name	Shoshone Bannock Tribes Eastern Michaud Flats Superfund Cooperative Agreement
Grant Number and Project Period	V-00053310-0
Reporting Quarter/Dates	July 1, 2013 through September 30, 2013
EPA's Project Officer Name and Address	Jannine Jennings 1200 Sixth Avenue, Suite 900, ECL -113 Seattle, WA 98101

ENVIRONMENTAL WASTE MANAGEMENT PROGRAM

Kelly Wright, Program Manager

List Objective/Task from your Scope of Work, including targeted Completion Date	Describe what activities were undertaken this quarter to accomplish this Task (including status, summary, accomplishments & if the task is on schedule)	If you had problems, what corrective actions Did you take to resolve them	How much additional time and money are needed to complete this task? If a new target completion date is proposed, please list.
Objective 1. OFF-SIGHT Management and Oversight			
Task 1-1: Fluoride Monitoring - Review, comment and participate in discussions on fluoride.	Still working on the historical data and looking forward to reviewing the 2013 data. New sampling data from another Tribal/EPA project with elevated concentrations of fluoride and total metals.	Tribes were in the process of establishing a baseline for total metals and fluorides in soil and vegetation. Emphasis was looking at other vegetation not associated with forage able materials which might be used by tribal members.	Tribes are concerned with the increased fluoride exceedances noted with the Simplot fluoride projects. Tribes understand that the IDEQ value is only forage material and focuses on livestock but what about human health impacts.
Task 1-2: Project and Community Involvement - Provide regular updates to community through district meetings; provide project status updates to Policy makers.	Program continues to get questions raised about the fluoride emissions and how is that impacting human health.	Members are concerned that fluoride concentrations continue to exceed the forage limits but what to know why nothing is being done with regards to human health.	Looking into what additional costs would be associated and if possible analyzing other vegetation samples to ensure no impacts are occurring based on the

*Shoshone-Bannock FY-20132 – 4th Quarter Report
October 30, 2013*

			concentrations being released.
Task 1-3: Project Management - Quarterly reporting (1/31, 4/30, 7/31, 10/31.); budget and resource management planning and coordination; and participate in project meetings as necessary.	Quarterly Report (3rd) submitted July 31, 2013. Later, revisions were needed to get the work plan the report to match. Used the wrong format to make the necessary changes.	No problems other than internal with getting accurate results from our Finance Department. Also it was noted that the Quarterly report was deficient because all of the fields on this table was not completed.	Still continuing to submit reports electronically. But submitted the wrong version again. These files were removed and should not happen again.

Objective 2. FMC Program Management and Oversight

Task 2-1: Interim RODA - Review, comment and participate in implementation of Interim RODA	Provided comments and reviews as defined in Attachment #1 Task 2.1.	On-going activity. Tribes did not concur with this proposal. Hopefully over time, new technology will be identified that will allow EPA to understand that this ignitable and reactive waste left in place will remain for thousands of years into the future.	IDEQ sc Laborato bacteria/ heavy m useful in
Task 2-2: Public Involvement – Communications - Provide updates to public, policy makers, and membership on current progress, issues and respond to questions, concerns if any.	Program continued to update the Land Use Policy Commissioners/Land Use Director and the Fort Hall Business Council with on-going activities. Staff also attends some of the different District Lodges and/or Elderly Nutrition explaining what is going on at this site.	Tribal members still continue to express their concerns about covering up rather than cleaning up the site.	Staff cor consider to contin to make not been
Task 2-3: UAO- All Ponds - Review, comment and participate in issue identification and resolution including weekly reports, field monitor reports, and oversight to ensure meaningful involvement by the Tribes to ensure Tribal regulations are complied with and work conducted meets the requirements of the UAO's.	Participated in a variety of conference calls during this quarter. No site visits was performed this quarter.	Ongoing battle to adequately address soil gas emissions tin the local soils and laterally spreading rather than vented into the atmosphere.	EPA and opinion v environm all comp
Task 2-4: Statement of Work Remedial Design/ Remedial Action - Assist with draft of Statements of Work for Remedial Design/ Remedial Actions. Review, comment and participate in oversight of remedial design and construction to ensure meaningful involvement of the Tribes and ensure Tribal standards and practices are complied with.	Final IROD was issued by EPA. Tribes were disappointed with their decision.	Final document was received. Tribes still feel that FMC should be held accountable for cleaning up their years' of contamination. EPA also issued an UAO for FMC to start cleanup.	EPA stat to have F Compari show tha where a exists.

Task 2-5: Monitoring - Groundwater, Surface Water and Phosphine Monitoring - Review, comment, provide oversight of activities, and independent monitoring to ensure compliance with applicable rules and regulations including ground water monitoring, surface water monitoring and phosphine monitoring. These activities will ensure meaningful involvement of the Tribes and work to ensure protection of Tribal homeland.	Continued communication efforts by all agencies continue on a variety of issues such as the gas extraction systems and cleanup efforts.	FMC continues to inform EPA, IDEQ and Tribes after the fact when they perform corrective action.	Tribes are determining soil gas monitoring to the limit only analysis of construction required documentation occurring.
Task 2-6: Project Management - Quarterly reporting (1/31, 4/30, 7/31, 10/31.); budget and resource management planning and coordination	Quarterly Report (3rd) submitted July 31, 2013. Later, revisions were needed to get the work plan the report to match. Used the wrong format to make the necessary changes.	No problems other than internal with getting accurate results from our Finance Department. Also it was noted that the Quarterly report was deficient because all of the fields on this table was not completed.	Still completing electronic version and should not

Objective 3. JR Simplot Don Plant

Task 3-1: Document Review - Review and comment on new documents submitted in compliance with the Remedial Design including but not limited to: monthly project updates (i.e., Simplot OU RD/RA Monthly Progress Reports, PAP Area Source Control and Groundwater Monitoring Monthly Reports) and participate in issue resolution.	Continued to review their monthly reports both groundwater and the PCP progress of an investigation. More specific details defined in Attachment #1 Task 3.1	PAP investigation has identified a contaminated plume underneath the facility. With elevated concentrations of total phosphorus and pH level of less than 2.
Task 3-2: Quarterly Groundwater Monitoring and Reports - Review, comment and participate in issue resolution. Provide oversight of monitoring, as appropriate. Conduct Sampling at springs to monitor target capture zone efficiencies and ensure protection of Tribal waters. Split sampling will be done using Hydrometric who is the subcontractor already doing the collection for the PRPs, and will simply be supplying the Tribes with split samples.	Additional details provided in Attachment #1 Task 3.2	Tribes would be more comfortable having samples that they were able to send to a completely different laboratory rather than one used by industry. Tribes will be requesting the 4 th Quarter testing to be done with split samples so a full suite of analytes can be performed.
Task 3-3: Public Involvement – Communications - Provide updates to public, policy makers, and membership on current progress, issues and respond to questions, concerns if any.	Program continued to update the Land Use Policy Commissioners/Land Use Director and the Fort Hall Business Council with on-going activities. Staff also attends some of the different District Lodges and/or Elderly Nutrition explaining what is going on at this site.	Policy makers as well as the Tribal Members continue to stress that these environmental pollutants are impacting the Fort Hall Bot and other locations on the Reservation.

Task 3-4: Project Management - Quarterly reporting (1/31, 4/30, 7/31, 10/31.); participate in project meetings (e.g., the annual VCO/CERCLA meeting) as necessary; budget and resource management planning and coordination.	Quarterly Report (3rd) submitted July 31, 2013. Later, revisions were needed to get the work plan the report to match. Used the wrong format to make the necessary changes.	No problems other than internal with getting accurate results from our Finance Department. Also it was noted that the Quarterly report was deficient because all of the fields on this table was not completed.
---	---	---

ENVIRONMENTAL WASTE MANAGEMENT PROGRAM

Kelly Wright, Program Manager

Comparison of Amount Budgeted vs. Amount Spent

Please describe how much you budgeted versus how much money you actually need to complete activities

Total Grant Amount Awarded: See Total Budget Period Cost block on Grant Award Agreement for this figure	\$112,407.66	Amount Spent: How much money have you actually spent?
Funds Necessary to Complete this Project: How much money will it cost to complete this project?	\$ 9,526.68	Unexpended Funds Remaining in Project: How much money remains in your project?
Funds Requested from EPA to Date: Cumulative; what is the total amount requested from EPA?	\$102,880.98	Amount & Date of Last Request for Reimbursement/Advance Payment:
Additional Information & Comments		

Funds were requested to be extended for one month (October 31, 2013). After that a new Cooperative Agreement will be entered. To date, Tribes do not agree with the concept that additional sampling should not be conducted. Simplot has identified a contaminated acidic groundwater plume beneath the Phosphorus Plant. Tribes are concerned that additional metals may become a concern since metals become mobile in an acidic environment. Groundwater flows towards the Portneuf River which eventually ends up on the Reservation in a cultural sensitive area.

At the FMC OU, the IRODA is starting up which means that treatment is going to start. If this is the case the Tribes need to understand what the original chemical concentrations of all possible contaminants where so they can be assured that they homelands are protected for future generations as well as the current ones. This is a significant component for the Tribes to be able to exercise their peace Treaty Rights which allows for them to be able to hunt, fish, gather and perform cultural activities on

*Shoshone-Bannock FY-20132 – 4th Quarter Report
October 30, 2013*

unoccupied lands of the federal government as long as they reside on the Reservation.

Tribes used their IGAP resources to help and try to establish a baseline of total metals and fluoride concentrations across the Reservation. Three different sampling events occurred. During the first two events, elevated concentrations of various chemicals were noted. As a result, additional samples were collected in September around these elevated concentrations for ensuring nothing was detected out of the ordinary. As a result, the Tribes are requesting that additional samples be collected as part of the Off-Plant OU. These samples need to focus on other vegetation utilized by the tribal members as part of their diet rather than simply addressing the forage. Granted, the Tribes have not been able to find comparison values nor any standards.

During the 4th Quarter, EPA requested that a Post Award Monitoring be conducted on this project and rightfully so. It appears that the Tribal Finance Department was incorrectly drawing down resources. Luckily, the Program had always kept our own records on monthly expenses so this should not be hard to address where funds should have been drawn. Quarterly reports were not accurate after being told twice that errors were noted. Based on the August 22 teleconference call, EPA requested the 3rd Quarter Report be revised to include information in all columns of the above tables. The 4th Quarter Report has all of this information included into the report as well as including specific dates on when calls and documents were received as requested.

ATTACHMENT #1

DETAILED DOCUMENTS RECEIVED, REVIEWED AND/OR COMMENTS (This list may not be all inclusive but tries to summarize activities that occurred during this quarter.)

Task 1.1 OFF-PLANT OPERABLE UNIT DOCUMENTS

1. 07/16/13 Meeting with the Land Use Policy Commissioners and Land Use Director Updates
2. 08/16/13 Meeting with the Land Use Policy Commissioners and Land Use Director Updates
3. 09/16/13 Meeting with the Land Use Policy Commissioners and Land Use Director Updates

Task 1.2 OFF-PLANT OPERABLE UNIT CONFERENCE CALLS

1. None

Task 2.1 FMC Documents Received and Reviewed

1. RCRA Pond UAO Report # 151
2. RCRA Pond UAO Report # 152
3. RCRA Pond UAO Report # 153
4. RCRA Pond UAO Report # 154
5. RCRA Pond UAO Report # 155
6. RCRA Pond UAO Report # 156
7. RCRA Pond UAO Report # 157
8. RCRA Pond UAO Report # 158
9. RCRA Pond UAO Report # 159
10. RCRA Pond UAO Report # 160
11. RCRA Pond UAO Report # 161
12. RCRA Pond UAO Report # 162
13. RCRA Pond UAO Report #163
14. RCRA Pond UAO Report # 164
15. July SRI Monthly Report
16. August SRI Monthly Report
17. September SRI Monthly Report
18. 07/02/13 FMC's Unilateral Administrative Order RD/RA Comments
19. 07/02/13 FMC's Notice of Intent for RD/RA UAO
20. 07/03/13 Monthly Natural Resources Meeting Update
21. 07/15/13 FMC's Notification of RCRA Pond UAO - Off-Site Shipments

*Shoshone-Bannock FY-20132 – 4th Quarter Report
October 30, 2013*

22. 07/15/13 Requested FMC's Biennial Report
23. 07/15/13 FMC Plant OU RDRA Order Monthly Report #1 - June
24. 07/18/13 Land Use Policy Commissioner Update
25. 07/18/13 Fort Hall Business Council Update
26. 07/18/13 FMC RD - Data Gap Work Plan
27. 07/18/13 FMC RD – Gamma Cap Performance Plan
28. 07/18/13 FMC Site Wide HASP
29. 08/06/13 FMC's Federal Express Correspondence
30. 08/07/13 Monthly Natural Resource Meeting Update
31. 08/12/13 Reviewed EPA and IDEQ's comments on the Gamma Cap Performance
32. 08/14/13 Tribal Comments submitted for the Gamma Cap Performance
33. 08/15/13 Land Use Policy Commissioner Update
34. 08/15/13 Fort Hall Business Council Update
35. 08/26/13 FMC's Federal Express Saga
36. 08/27/13 Received a requested copy of the FMC Pond 15S Health Consultation Letter
37. 08/29/13 Tribes request Information For Recent Flooding Events in Southeast Idaho
38. 09/03/13 Gas Extraction on Pond 18A Update
39. 09/04/13 Monthly Natural Resources Meeting Update
40. 09/05/13 Gamma Cap Performance Approval Letter and Some Tribal Concerns
41. 09/05/13 Submitted Tribal Comments on the FMC Hydro Study Plan
42. 09/09/13 Follow Up Documentation regarding the Recent Rain Events
43. 09/09/13 FMC's Response to EPA Comments on the Gamma Cap Performance
44. 09/09/13 FMC's Modified Figure 3-1Gamma **Gap** Work Plan
45. 09/10/13 FMC's RDRA UAO Paragraph 54 Notification
46. 09/10/13 EPA and IDEQ Comments on FMC's ET Cap Data Gap Work Plan
47. 09/10/13 EPA's Approval on the Gamma Cap Work Plan Modification for Sampling Grid
48. 09/12/13 FMC's Response to EPA and IDEQ Comments for the Data Gap Work Plan
49. 09/12/13 FMC's Notification of Off-Site Shipments sent in conjunction with the EPA approval on 7/15/2013 and IDEQ's approval letter on 7/2/2013
- 50.
51. 09/12/13 Follow Up on RCRA Post Closure Plans' Storm Events
52. 09/13/13 EPA's Comments on FMC's Hydro Study
53. 09/18/13 Slag Work Group Meeting
54. 09/19/13 FMC Corporation to begin Superfund cleanup at former phosphorus processing plant
55. 09/19/13 Land Use Policy Commissioner Update

Task 2.2 FMC CONFERENCE CALLS

1. 07/15/13 With EPA, IDEQ and FMC on Monthly Status Calls for RCRA Ponds -July
2. 08/13/13 With EPA, IDEQ and FMC on Monthly Status Calls for RCRA Ponds -August
3. 09/09/13 With EPA, IDEQ and FMC on Monthly Status Calls for RCRA Ponds – September
4. 09/30/13 With EPA, IDEQ and FMC on Gamma Cap Modification

Task 3.1 Simplot Documents Received and Reviewed

1. 07/01/13 PAP GW Treatment Tech Memo
2. 07/01/13 EPA's Request for PAP GW Treatment Tech Memo Due Back by July 9th
3. 07/03/13 Simplot's Request for Reduced Sampling Frequency
4. 07/12/13 1st Quarter GW/SW Report – Electronically Available on Website
5. 07/15/13 EPA's Approval Letter for Treatability Tech Memo
6. 07/15/13 EPA's Request for Treatability Work Plan
7. 07/16/13 HASP Addendums for GSR and Liner
8. 07/17/13 Tech Memo - Update on Treatment Systems for Extraction Water
9. 07/18/13 Land Use Policy Commissioner Update
10. 07/18/13 Fort Hall Business Council Update
11. 07/26/13 Monthly Report PAP Source Control – June
12. 07/26/13 PAP Supplemental Subsurface Investigation Draft Report
13. 07/30/13 Work Plan for Dredging Excess Phospho-gypsum from Decant Pond
14. 07/30/13 IDEQ Comments on the Dredging Project
15. 07/31/13 Clarification of Expectations for Pilot Treatability Study Work Plan
16. 08/05/13 Gypsum Stack Drawings and Technical Specs.
17. 08/06/13 Simplot's electronic files of the Stack Drawings and Tech Spec
18. 08/07/13 Monthly Natural Resource Meeting Update
19. 08/14/13 Draft Pilot Treatability Study Plan
20. 08/15/13 EPA Approval for Groundwater Monitoring Changes
21. 08/15/13 Land Use Policy Commissioner Update
22. 08/15/13 Fort Hall Business Council Update
23. 08/16/13 Monthly Report QA/QC Gypsum Stack Lining – July
24. 08/19/13 Monthly Report PAP Source Control – July
25. 08/19/13 Monthly Groundwater Report – July
26. 08/22/13 Questions on the July GW Monthly Report from IDEQ
27. 08/22/13 EPA Disapproval of Pilot Treatability Study

*Shoshone-Bannock FY-20132 – 4th Quarter Report
October 30, 2013*

28. 08/23/13 Simplot's Response to IDEQ Comments RFI - #003
29. 08/28/13 Simplot's Letter Addressing Deficiencies in Treatability Study Plan
30. 08/30/13 Follow Up Issues with the July Monthly GW Temperatures
31. 08/30/13 Draft GW Optimization Monitoring Plan
32. 09/04/13 Monthly Natural Resource Meeting Update
33. 09/04/13 EPA Comments on Phase IV Lining
34. 09/04/12 Revised Draft Pilot Treatability Work Plan
35. 09/04/13 EPA's Approval of the proposed Treatability Study Plan
36. 09/04/13 Simplot Proposed Plan –Radionuclide Question to EPA
37. 09/05/13 2nd Quarter GW/SW Report – Electronically Available on Website
38. 09/05/13 IDEQ Provided Fluoride Notification Letter on Exceedances
39. 09/10/13 20 Day Follow-Up Notification on Gypsum Stack Release – August 27th
40. 09/11/13 Emergency Notification Concerns – EPA Agree to Notify Tribes
41. 09/12/13 EPA Correction Letter on Treatability Study Not Using MCLs
42. 09/16/13 EPA Follow Up on Approving Treatability Comments
43. 09/17/13 EPA response to Tribes Questions on Radiological Analyses
44. 09/17/13 Correspondences on GW Optimization Plan and Target List
45. 09/17/13 EPA Approves the GW Optimization and Monitoring Plan
46. 09/18/13 Monthly Report PAP Source Control – August
47. 09/20/13 Simplot Provides Follow Up Information from 9/16 Request
48. 09/25/13 Revised Treatability Study With Associated Drawing Updates
49. 09/26/13 Simplot Response to EPA Comments from 08/28 Engineering Document
50. 09/26/13 EPA's Approval Letter for the 09/25 Treatability Study
51. 09/26/13 Correspondences on Simplot's Proposed Lateral Expansion

Task 3.2 Simplot CONFERENCE CALLS

1. July 2013 National Phosphorus Initiative -Teleconference Call Cancelled
2. August 14, 2013 National Phosphorus Initiative – Teleconference Call
3. September 09, 2013 National Phosphorus Initiative – Teleconference Call Cancelled
4. 09/16/13 Conference Call to Discuss Treatability Study

Task 4. Detailed Budget Information

Description	Date	FMC	Simplot	Off-Site	Cost
Contractor	13-Jul	\$ 3,400.00	\$ 4,582.10	\$ 255.00	\$ 8,237.10
	13-Aug	\$ 3,060.00	\$ 1,785.00	-	\$ 4,845.00
	13-Sep	\$ 5,907.50	\$ 2,890.00	\$ 127.50	\$ 8,925.00
Employee(s)	13-Jul	\$ 1,419.36	\$ 1,361.22	-	\$ 2,780.58
	13-Aug	\$ 744.44	\$ 221.18	-	\$ 965.62
	13-Sep	\$ 537.80	\$ 232.57	-	\$ 770.37
Fringe	13-Jul	\$ 380.37	\$ 327.91	-	\$ 708.28
	13-Aug	\$ 212.36	\$ 221.18	-	\$ 433.54
	13-Sep	\$ 137.26	\$ 59.36	-	\$ 196.62
Indirect	13-Jul	\$ 491.51	\$ 461.30	-	\$ 952.81
	13-Aug	\$ 261.30	\$ 79.74	-	\$ 341.04
	13-Sep	\$ 184.36	\$ 79.73	-	\$ 264.09
4th Quarter Total	May – Jun 2013	\$16,736.26	\$12,301.29	\$ 382.50	\$ 29,420.05
Total to Date	Oct-12 – Sept-13	\$54,982.95	\$43,878.49	\$1,572.50	\$100,434.90

U.S. ENVIRONMENTAL PROTECTION AGENCY MBE/WBE UTILIZATION UNDER FEDERAL GRANTS AND COOPERATIVE AGREEMENTS

PART I. (Reports are required even if no procurements are made during the reporting period.)

1A. FEDERAL FISCAL YEAR (Oct. 1-Sep 30) 2013_____		1B. REPORTING PERIOD (Check ALL appropriate boxes) <input type="checkbox"/> 1 st (Oct-Dec) <input type="checkbox"/> 2 nd (Jan-Mar) <input type="checkbox"/> 3 rd (Apr-Jun) <input checked="" type="checkbox"/> 4 th (Jul-Sep) <input type="checkbox"/> Semi-Annual (Oct-Mar) <input type="checkbox"/> Semi-Annual (Apr-Sep) <input type="checkbox"/> Annual <input type="checkbox"/> Check if this is the last report for the project (Project completed).																				
1C. REVISION OF A PRIOR REPORT? Y or N Year: _____ Quarter: _____		BRIEFLY DESCRIBE THE REVISIONS YOU ARE MAKING:																				
2A. EPA FINANCIAL ASSISTANCE OFFICE ADDRESS (ATTN: DBE Coordinator) Jannine Jennings 1200 Sixth Avenue, Suite 900, ECL -113 Seattle, WA 98101		3A. RECIPIENT NAME AND ADDRESS Shoshone Bannock Tribes P.O. Box 306, Pima Drive Fort Hall, ID 83203																				
2B. EPA DBE COORDINATOR Name: Jannine Jennings E-mail: Jennings.jannine@epa.gov	2C. PHONE: Fax:	3B. RECIPIENT REPORTING CONTACT: Name: Kelly C. Wright E-mail: kwright@sbtribes.com	3C. PHONE: 208.236.1049 Fax: 208.236.1064																			
4A. FINANCIAL ASSISTANCE AGREEMENT ID NUMBER (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.) V-00053310-0		4B. FEDERAL FINANCIAL ASSISTANCE PROGRAM TITLE or CFDA NUMBER: EMF Cooperative Agreement																				
5A. TOTAL ASSISTANCE AGREEMENT AMOUNT (SRF State Recipients, refer to Instructions for Completion of blocks 4A, 5A and 5C.) EPA Share: \$ 112,407.66 Recipient Share: \$		5B. If NO procurement and NO accomplishments were made this reporting period (by the recipients, sub-recipients, loan recipients, and prime contractors), CHECK and SKIP to Block No. 7. (<u>Procurements</u> are all expenditures through contract, order, purchase, lease or barter of supplies, equipment, construction, or services needed to complete Federal assistance programs. <u>Accomplishments</u> , in this context, are procurements made with MBEs and/or WBEs. <input type="checkbox"/>																				
5C. Total Procurements This Reporting Period (Only include amount not reported in any prior reporting period) Total Procurement Amount \$ 22,007.10 (Include total dollar values awarded by recipient, sub-recipients and SRF loan recipients, including MBE/WBE expenditures.)																						
5D. Were sub-awards issued under this assistance agreement? Yes___ No <u>X</u> Were contracts issued under this assistance agreement ? Yes___ No___																						
5E. MBE/WBE Accomplishments This Reporting Period Actual MBE/WBE Procurement Accomplished: (Include total dollar values awarded by recipient, sub-recipients, SRF loan recipients and Prime Contractors.) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Construction</u></th> <th style="text-align: center;"><u>Equipment</u></th> <th style="text-align: center;"><u>Services</u></th> <th style="text-align: center;"><u>Supplies</u></th> <th style="text-align: center;"><u>Total</u></th> </tr> </thead> <tbody> <tr> <td>\$MBE:</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>\$WBE:</td> <td>_____</td> <td>_____</td> <td style="text-align: center;">\$22,007.10</td> <td>_____</td> <td style="text-align: center;">\$22,007.10</td> </tr> </tbody> </table>						<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>	\$MBE:	_____	_____	_____	_____	_____	\$WBE:	_____	_____	\$22,007.10	_____	\$22,007.10
	<u>Construction</u>	<u>Equipment</u>	<u>Services</u>	<u>Supplies</u>	<u>Total</u>																	
\$MBE:	_____	_____	_____	_____	_____																	
\$WBE:	_____	_____	\$22,007.10	_____	\$22,007.10																	
6. COMMENTS: (If no MBE/WBE procurements were accomplished during the reporting period, please explain what steps you are taking to achieve the MBE/WBE Program requirements specified in the terms and conditions of the Assistance Agreement.)																						
7. NAME OF RECIPIENT'S AUTHORIZED REPRESENTATIVE Kelly C. Wright		TITLE Environmental Waste Management Program Manager																				
8. SIGNATURE OF RECIPIENT'S AUTHORIZED REPRESENTATIVE Submitted electronically		DATE October 30, 2013																				

PART II.**MBE/WBE PROCUREMENTS MADE DURING REPORTING PERIOD****EPA Financial Assistance Agreement Number:** V-00053310-0

1. Procurement Made By			2. Business Enterprise		3. \$ Value of Procurement	4. Date of Procurement MM/DD/YY	5. Type of Product or Services _A (Enter Code)	6. Name/Address/Phone Number of MBE/WBE Contractor or Vendor
Recipient	Sub-Recipient and/or SRF Loan Recipient	Prime	Minority	Women				
SBT				X	\$22,007.10	July 2013-Sept 2013	3	Susan Hanson Philbin Road Chubbuck, ID 83202 208.241.1697

Type of product or service codes:

1 = Construction

2 = Supplies

3 = Services

4 = Equipment

Note: Refer to Terms and conditions of your Assistance Agreement to determine the frequency of reporting. Recipients are required to submit MBE/WBE reports to EPA beginning with the Federal fiscal year quarter the recipients receive the award, continuing until the project is completed.

Instructions:

A. General Instructions:

MBE/WBE utilization is based on 40 CFR Part 33. EPA Form 5700-52A must be completed by recipients of Federal grants, cooperative agreements, or other Federal financial assistance which involve procurement of supplies, equipment, construction or services to accomplish Federal assistance programs.

Recipients are required to report 30 days after the end of each federal fiscal quarter, semiannually, or annually, per the terms and conditions of the financial assistance agreement.

	Quarterly Reporting Due Date	Semiannual Reporting Due Date	Annual Reporting Due Date
Agreements awarded prior to May 27, 2008	January 30, April 30, July 30, October 30	N/A	October 30
Agreements awarded on or after May 27, 2008	N/A	April 30, October 30	October 30

MBE/WBE program requirements, including reporting, are material terms and conditions of the financial assistance agreement.

B. Definitions:

Procurement is the acquisition through contract, order, purchase, lease or barter of supplies, equipment, construction or services needed to accomplish Federal assistance programs.

A **contract** is a written agreement between an EPA recipient and another party (also considered "prime contracts") and any lower tier agreement (also considered "subcontracts") for equipment, services, supplies, or construction necessary to complete the project. This definition excludes written agreements with another public agency. This definition includes personal and professional services, agreements with consultants, and purchase orders.

A **minority business enterprise (MBE)** is a business concern that is (1) at least 51 percent owned by one or more minority individuals, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more minority individuals; and (2) whose daily business operations are managed and directed by one or more of the minority owners. In order to qualify and participate as an MBE prime or subcontractor for EPA

recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

U.S. citizenship is required. Recipients shall presume that minority individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other groups whose members are found to be disadvantaged by the Small Business Act or by the Secretary of Commerce under section 5 of Executive order 11625. The reporting contact at EPA can provide additional information.

A **woman business enterprise (WBE)** is a business concern that is, (1) at least 51 percent owned by one or more women, or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more women and (2) whose daily business operations are managed and directed by one or more of the women owners. In order to qualify and participate as a WBE prime or subcontractor for EPA recipients under EPA's DBE Program, an entity must be properly certified as required by 40 CFR Part 33, Subpart B.

Business firms which are 51 percent owned by minorities or women, but are in fact managed and operated by non-minority individuals do not qualify for meeting MBE/WBE procurement goals. U.S. Citizenship is required.

Good Faith Efforts

A recipient is required to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under an EPA financial assistance agreement. These good faith efforts for utilizing MBEs and WBEs must be documented. Such documentation is subject to EPA review upon request:

1. Include of MBEs/WBEs on solicitation lists.
2. Assure that MBEs/WBEs are solicited once they are identified.
3. Divide total requirements into smaller tasks to permit maximum MBE/WBE participation, where feasible.
4. Establish delivery schedules which will encourage MBE/WBE participation, where feasible.
5. Encourage use of the services of the U.S. Department of Commerce's Minority Business Development Agency (MBDA) and the U.S. Small Business Administration to identify MBEs/WBEs.

6. Require that each party to a subgrant, subagreement, or contract award take the good faith efforts outlined here.

C. Instructions for Part I:

1a. Specify Federal fiscal year this report covers. The Federal fiscal year runs from October 1st through September 30th (**e.g. November 29, 2010 falls within Federal fiscal year 2011**)

1b. Check applicable reporting box, quarterly, semiannually, or annually. Also indicate if this is the last report for the project.

1c. Indicate if this is a revision to a previous year, half-year, or quarter, and provide a brief description of the revision you are making.

2a-c. Please refer to your financial assistance agreement for the mailing address of the EPA financial assistance office for your agreement.

The “EPA DBE Reporting Contact” is the DBE Coordinator for the EPA Region from which your financial assistance agreement was originated. For a list of DBE Coordinators please refer to the EPA OSBP website at www.epa.gov/osbp. Click on “Regional Contacts” for the name of your coordinator.

3a-c. Identify the agency, state authority, university or other organization which is the recipient of the Federal financial assistance and the person to contact concerning this report.

4a. Provide the Assistance Agreement number assigned by EPA. A separate report must be submitted for each Assistance Agreement.

***For SRF recipients:** In box 4a list numbers for ALL OPEN Assistance Agreements being reported on this form. Please note that although the New DBE Rule (which took effect May 27, 2008) revised the reporting frequency requirements from quarterly to semiannually, that change only applies to agreements awarded AFTER the New DBE Rule took effect. Therefore, SRF recipients may either continue to report activity for all Agreements on one form on a quarterly basis until the last award that was made prior to the New DBE Rule has been closed out; OR, the recipient may split the submission of SRF reports into quarterly reports for Agreements awarded prior the New DBE Rule, and semiannually for the awards made after the New DBE Rule.

4b. Refer back to Assistance Agreement document for this information.

5a. Provide the total amount of the Assistance Agreement which includes Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only:** SRF recipients will not enter an amount in 5a. Please leave 5a blank.

5b. Self-explanatory.

5c. Provide the total dollar amount of **ALL** procurements awarded this reporting period by the recipient, sub-recipients, and SRF loan recipients, **including** MBE/WBE expenditures. For example: Actual dollars for procurement from the procuring office; actual contracts let from the contracts office; actual goods, services, supplies, etc., from other sources including the central purchasing/ procurement centers).

***NOTE:** To prevent double counting on line 5C, if any amount on 5E is for a subcontract and the prime contract has already been included on Line 5C in a prior reporting period, then report the amount going to MBE or WBE subcontractor on line 5E, but exclude the amount from Line 5C. To include the amount on 5C again would result in double counting because the prime contract, which includes the subcontract, would have already been reported.

5d. State whether or not sub-awards and/or subcontracts have been issued under the assistance agreement by indicating “yes” or “no”.

5e. Where requested, also provide the total dollar amount of all MBE/WBE procurement awarded during this reporting period by the recipient, sub-recipients, SRF loan recipients, and prime contractors in the categories of construction, equipment, services and supplies. These amounts include Federal funds plus recipient matching funds and funds from other sources.

***For SRF recipients only:** In 5c please enter the total procurement amount for the quarter, or semiannual period, under all of your SRF Assistance Agreements. The figure reported in this section is **not** directly tied to an individual Assistance Agreement identification number. **(SRF state recipients report state procurements in this section)**

6. If there were no MBE/WBE accomplishments this reporting period, please briefly explain what

specific steps you are taking to achieve the MBE/WBE requirements specified in the terms and conditions of the Assistance Agreement.

7. Name and title of official administrator or designated reporting official.
8. Signature, month, day, and year report submitted.

D. Instructions for Part II:

For each MBE/WBE procurement made under this assistance agreement during the reporting period, provide the following information:

1. Check whether this procurement was made by the recipient, sub-recipient/SRF loan recipient, or the prime contractor.
2. Check either the MBE or WBE column. If a firm is both an MBE and WBE, the recipient may choose to count the entire procurement towards EITHER its MBE or WBE accomplishments. The recipient may also divide the total amount of the procurement (using any ratio it so chooses) and count those divided amounts toward its MBE and WBE accomplishments. If the recipient chooses to divide the procurement amount and count portions toward its MBE and WBE accomplishments, please state the appropriate amounts under the MBE and WBE columns on the form. **The combined MBE and WBE amounts for that MBE/WBE contractor must not exceed the "Value of the Procurement" reported in column #3**
3. Dollar value of procurement.
4. Date of procurement, shown as month, day, year. Date of procurement is defined as the date the contract or procurement was awarded, **not** the date the contractor received payment under the awarded contract or procurement, unless payment occurred on the date of award. **(Where direct purchasing is the procurement method, the date of procurement is the date the purchase was made)**
5. Using codes at the bottom of the form, identify type of product or service acquired through this procurement (e.g., enter 1 if construction, 2 if supplies, etc).
6. Name, address, and telephone number of MBE/WBE firm.

and 33); OMB Circulars; or added by EPA to ensure sound and effective assistance management. Accurate, complete data are required to obtain funding, while no pledge of confidentiality is provided.

The public reporting and recording burden for this collection of information is estimated to average 1 hour per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclosure or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2136), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB Control number in any correspondence. Do not send the completed form to this address.

****This data is requested to comply with provisions mandated by: statute or regulations (40 CFR Part 30, 31,**